



Appeal Decision

Site visit made on 28 May 2025

by **David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/U2235/W/24/3357959

The Gables, Warren Street, Lenham, Maidstone, ME17 2ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms J Laming and Mr C Lass against the decision of Maidstone Borough Council.
 - The application Ref is 24/501092/FULL.
 - The development proposed is the demolition of existing outbuildings and the erection of a detached dwelling of outstanding architectural quality and innovative design, together with associated access, landscaping and parking, and the creation of new driveway serving The Gables.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing outbuildings and the erection of a detached dwelling of outstanding architectural quality and innovative design, together with associated access, landscaping and parking, and the creation of new driveway serving The Gables, at The Gables, Lenham, ME17 2ED in accordance with the terms of the application, Ref 24/501092/FULL, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are:
 - Whether the principle of the erection of a house in this location accords with the strategy in the development plan;
 - Whether the site lies in a sustainable location;
 - whether the proposal meets the terms of paragraph 139 of the National Planning Policy Framework (NPPF), in particular by having an outstanding or innovative design which promotes high levels of sustainability; and
 - the effect on the Kent Downs National Landscape (KDNL).

Reasons

Background

3. The appeal site forms the larger part of a garden of a bungalow The Gables. This is situated in Warren Street a small hamlet of a few dwellings, commercial premises, a farmstead and pub (although the latter appears to have been closed for some time) located in open countryside. There are number of outbuildings in corrugated sheeting on the appeal site including a large Nissen hut and garage, and the site is

generally bounded by a mature hedgerow and trees, however there are extensive open fields to the west of the site. All of this land forms part of the Kent Downs National Landscape (KDNL).

4. It is proposed to erect a dwelling, which the appellant's design team refer to as an 'outstanding and innovative design' and the proposal is accompanied by a detailed design analysis. In broad terms, the dwelling would be single storey, but with a lower ground floor in part, and in simple terms have the footprint of a three pronged fork with the tines slightly splayed.
5. I note that the planning history of the site includes a refusal of a dwelling in 2020. A subsequent appeal was dismissed¹ as the inspector concluded that the site did not have a good access to services and facilities, and the proposal would harm rather than conserve or enhance the landscape and scenic beauty of the Kent Downs NL (then AONB).

Accord with the development plan

6. It is clear from the spatial strategy set out in the Maidstone Local Plan Review (MLPR) Policies LPRSS1 and LPRSP9 taken together that the site lies in the countryside outside and away from any recognised settlement. Here there is a general presumption against new development unless a specific proposal accords with other policies. The proposal has not been shown to meet any other policy in the MLPR and therefore there is a conflict with these policies.
7. The policies also indicate that great weight should be given to the conservation and enhancement of the KDNL and restate the statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of the NL. I will consider the effect on the KDNL as part of the assessment of the fourth main issue.

Whether a sustainable location

8. The site lies away from the village of Lenham and roads/lanes to it generally have limited visibility, are unlit with no footways, and are therefore not conducive for walking or cycling. Moreover it has not been demonstrated that the site or hamlet is served by public transport. The site is therefore remote from day to day facilities and services and it is likely that the occupiers of the new house proposed would be heavily reliant on the use of a private car to get about.
9. I have taken account in the guidance in paragraph 110 of the NPPF that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, it appears to me that the remote location of the site would not help contribute to a pattern of growth which helps achieve sustainable transport objectives. Although I do not see a specific conflict with the terms of MLPR Policy LPRSS1, I find that the proposal does not accord with the guidance in part 9 of the NPPF on promoting sustainable transport.

Whether outstanding or innovative design and effect on KDNL

10. The appellants' agent indicates that the proposal is not put forward as meeting the exception test set out in paragraph 84(e) of the NPPF which relates to the development of isolated homes in the countryside, because it is recognised that the appeal site is not isolated. Rather, the appellants rely on the policy in paragraph

¹ APP/U2235/W/19/3244091

139 of the NPPF which indicates that significant weight should be given to proposals which (a) (in summary) reflect local design and/or (b) have outstanding or innovative design.

11. Though the appeal site is not isolated from all other development it does lie in a hamlet which itself is isolated in the countryside from other built forms. As such it is therefore reasonable to bear the exception case of paragraph 84(e) in mind.
12. In assessing the proposal under paragraph 139 I have considered the detailed Design and Access Statement prepared by the appellants' architects and the design philosophy employed in reaching the submitted scheme. It is clear that the scheme has evolved through a thorough and considered process in assessing the site, its landscape setting and the architectural features of the locality.
13. I have paid particular attention to the detailed assessment and advice on the proposal from the Design Review Panel (an independent and impartial multi-disciplinary group of professions in the field of the built environment). The Panel concludes that the scheme meets the criteria set out in para 139 of the NPPF and demonstrates a high level of design quality and sensitivity to its context which would set a strong example for future developments in the area. The panel are supportive of the design which would fit in well with the overall form and layout of its surrounding and responds in a sympathetic and innovative manner to its surroundings. The Panel concludes that it would help raise the standard of design in similar areas. I place great weight on this independent and expert assessment.
14. At the site visit I noted the form of surrounding development in the hamlet. There were examples of vernacular architecture with the use of local materials with dark wood cladding over brick and flint walls; white painted weather-boarding, and small clay roof tiles, together with more modern agricultural and commercial buildings with visually strong gable ends. There were also a few examples locally of modern bungalows in a mundane form and materials.
15. In my judgment the dwelling put forward creates an innovative building with much variation in its form and materials but which reflects the best of the local architecture without trying to mimic or resulting in a pastiche. It would be of a simple relatively low form which takes inspiration from its surroundings but would not dominate the site or its setting in the hamlet.
16. The Council takes issues with the engineering work needed to 'sink' the building into the ground but it seems to me that most of the dwelling would be at normal site level and it is only a small element of the proposal that requires digging out to have a lower level to one 'wing'. This feature would not be very noticeable outside of the immediate environs of the site.
17. In terms of sustainability, the house has been designed to be highly insulated and airtight and would be orientated to maximise solar gain. The appellants' submissions shows that the building would achieve the highest rating of energy efficiency while producing zero carbon dioxide emissions. The scheme would therefore achieve a high level of sustainability.
18. Considered in the round, I find that the proposal represents an outstanding and innovative design which would accommodate a high level of sustainability and would positively fit in with the overall form and layout of the surroundings of the site.

Therefore the proposal accords with the guidance in paragraph 139 of the NPPF to which significant weight should be given.

19. The design of the scheme also accords with the emphasis placed on good design in Policy LPRSP15, particularly parts 1, 2, 3 and 6.

Effect on the KDNL

20. In assessing this issue I have placed great weight on the need to conserve and enhance the landscape and scenic beauty of this sensitive area. I also note that the Kent Downs National Landscape Team does not raise an objection to the proposal.
21. Within the site itself the proposed house would be single storey above the site's normal ground level. Locally it would not be visually imposing in the local landscape and would fit in well with its surroundings by using appropriate architecture and materials. The replacement of the existing dilapidated outbuildings would also be a positive enhancement of the locality.
22. I also considered the visual impact of the proposed house from the public footpath which runs across the field to the west of the site. From various points along this route I found that the proposed house would have no greater visual impact than the existing buildings on the site and it would be seen in the context of the other larger gable end building in the background.
23. Overall I am satisfied that the proposed house would be a positive enhancement of the landscape qualities and character of the KDNL and would help further the purpose of conserving and enhancing its natural beauty. Moreover the proposal would accord with part 4 of MLPR Policy LPRSP9.

Planning balance

24. On the main issues I have found that the proposed new house on the appeal site would conflict with the spatial strategy set out in the development plan as the site lies in the countryside away from any recognised settlement. The site is also remote from services and facilities and its occupiers would be reliant on the use of a car for their day-to-day needs. The proposal would therefore not help achieve a sustainable pattern of development contrary to the guidance in section 9 of the NPPF.
25. However it is clear that the design of the dwelling proposed is unique and well considered and would be an enhancement of the site. It meets the good design criteria for new development in the countryside set out in the MLPR. Nevertheless, taking the Local Plan as a whole, I find that the proposal conflicts with it. This has to be balanced with other considerations.
26. On the basis of my own assessment and the advice of the Design Review Panel the proposal demonstrates a high level of design quality and sensitivity to its context. The design is recognised to be outstanding and innovative with a high level of sustainability measures built into its construction. The proposal therefore accords with the guidance in paragraph 139 of the NPPF and this carries significant weight.

27. I have also found that the proposal would be a positive enhancement of the landscape quality and character of the KDNL. Great weight has to be given to this factor.
28. I find that the proposal accords with the NPPF when considered as a whole, and the proposal should be considered as sustainable development.
29. Finally I note that the proposal has a high measure of support from the local community with two local councillors, Lenham Parish Council and a neighbour all making representations which positively support the proposal.
30. Overall I conclude that the other considerations which arise in this case clearly outweigh the policy conflict with the development plan. This indicates that the appeal should be allowed.

Conditions

31. The Council recommends that 10 conditions be imposed which I will consider under the same numbering. In addition to the statutory condition on the commencement of the development and one listing the plans that are approved. This is in the interests of clarity and the development shall be undertaken in accordance with them. In order to ensure that the new house fits in with its surroundings condition No.1 on the agreement of external materials is necessary. In order to ensure that the new house has a low level of energy requirements to promote sustainability I will impose No.2.
32. The landscaping of the site to enhance its setting in the KDNL is essential and notwithstanding the Landscape Strategy already prepared I will impose conditions 3 and 4 to ensure that a detailed scheme of planting is submitted and implemented. Likewise in the interests of promoting ecology and biodiversity condition No.5 is reasonable.
33. Condition No. 6 seeks to remove 'permitted development' rights for specified classes of additions and other outbuildings. In this case as the whole house is proposed as an individual piece of architecture and which incorporates the removal of specified outbuildings, there is special justification to withhold these rights and make them subject of further applications if needed. I will therefore impose this condition.
34. Because of the remote setting of the site in the KDNL it is necessary to restrict external lighting on the dwelling and within the site to minimise any visual intrusion especially to 'dark skies' and I will impose this condition No.7. The dwelling should also be designed to meet acceptable standards of accessibility and adaptability in the long term and therefore condition No. 8 is necessary. Finally, in order to avoid flooding and pollution details of proper drainage facilities for the development need to be submitted, agreed and implemented as per condition No. 9.

Conclusion

35. For the reasons given above the appeal should be allowed.

David Murray

INSPECTOR

Schedule of conditions

1. The development hereby approved shall be begun before the expiry of three years from the date of this permission.
2. The development thereby permitted shall be carried out in accordance with the following approved plans:

1097-1001-2024 AIA REV C Arboricultural Impact Assessment
ATC Map and Photo
1002_Rev C Existing Block Plan
1003_Rev C Existing Site Plan
1004_Rev D Existing Outbuildings Elevations 1 of 2
1005_Rev A Existing Outbuildings Elevations 2 of 2
1006_Rev C Demolitions Plan
2001_Rev C Proposed Block Plan
2002_Rev D Proposed Site Plan
2003_Rev D Proposed Site Plan
2004_Rev B Proposed Lower Ground Floor Plan
2005_Rev C Proposed Ground Floor Plan
2006_Rev B Proposed Roof Plan
2007_Rev C Proposed Garage Ground Floor Plan
2008_Rev C Proposed Garage Roof Plan
2009_Rev B Site Section
2010_Rev B Building Section
2011_Rev A Proposed House East Elevation
2012_Rev A Proposed House North Elevation
2012_Rev A Proposed House West Elevation
2013_Rev A Proposed House South Elevation
2015_Rev A Proposed Garage Elevations
2016_Rev B Existing and Proposed Access To The Gables
DNH-EDL-XX-ZZ-DR-L-0100-P2 Landscape Masterplan
H-01 Rev P1 Proposed Visibility Splays - Northern Driveway

3. The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.
4. The development hereby approved shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation of the dwelling hereby approved and all features shall be retained and maintained thereafter.
5. The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent

to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, and include a plant specification, implementation details, a maintenance schedule and a 5 year management plan.

6. The development hereby approved shall not be occupied until all planting, seeding and turfing specified in the approved landscape details have been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding which fails to establish or any trees or plants which, within five years from the first occupation of the property, are removed, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.
7. The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of ecology on the site has been submitted to the Local Planning Authority for written approval. The scheme shall consist of the enhancement of ecology through integrated methods into the structure of the new dwelling, by means such as swift bricks, bat tubes or bee bricks, and through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the approved dwelling hereby approved and all features shall be retained and maintained thereafter.
8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E and F; and Schedule 2, Part 2, Class A, to that Order shall be carried out.
9. Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to the Local Planning Authority for written approval. The submitted details shall:
 - a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and
 - b) follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
 - c) include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill.The development shall thereafter be carried out in accordance with the subsequently approved details and retained and maintained as such thereafter.
- 8) The development hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.
10. The development shall not be occupied until details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved in writing by the Local Planning Authority.

These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation). If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

End